

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Latrice Frazier	Team: Squad #1	CCRB Case #: 201909398	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 10/27/2019 9:43 PM	Location of Incident: § 87(2)(b)	Precinct: 109	18 Mo. SOL 4/27/2021	EO SOL 12/12/2021	
Date/Time CV Reported Mon, 10/28/2019 7:18 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 10/28/2019 7:18 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Sergio Carrillo	13252	936309	109 PCT
2. POM Sony Joseph	28224	930441	109 PCT
3. SGT Jakub Danisewicz	03255	948473	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Joana Abdelghani	00147	959434	109 PCT
2. POM Roque Martinez	19198	962588	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jakub Danisewicz	Abuse: Sergeant Jakub Danisewicz forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Sergio Carrillo	Force: Police Officer Sergio Carrillo used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Sony Joseph	Abuse: Police Officer Sony Joseph searched § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On October 28, 2019, § 87(2)(b) filed this complaint online with the CCRB.

On October 27, 2019, at 9:45 p.m., § 87(2)(b) called 911 to report an incident of abuse, and to have his mother, § 87(2)(b) arrested. When officers from the 109th Precinct arrived on scene § 87(2)(b) was not present, so they spoke with § 87(2)(b) who stated that § 87(2)(b) was upset after not wanting to take his prescribed prescription medication for his bi-polar and schizophrenia diagnosis. EMS was called to the scene and § 87(2)(b) was transported to the hospital against his will (**Allegation A: Abuse of Authority – § 87(2)(g)** PO Sergio Carrillo pushed § 87(2)(b) in the back (**Allegation B: Force – § 87(2)(g)** PO Sony Joseph searched § 87(2)(b) in front of the ambulance (**Allegation C: Abuse of Authority – § 87(2)(g)** § 87(4-b), § 87(2)(g)

Body-worn camera (BWC) footage captured this incident (**Board Review 01 - 03**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Jakub Danisewicz forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) stated he had several previous incidences with the 109th Precinct, where he was taken to the psychiatric hospital based on his psychiatric history and not his present state; the incidents were not in 2019. § 87(2)(b) stated that he had a familiarity with PO Carillo when he went to report another incident in the past. § 87(2)(b) has made similar 911 calls in the past year against his mother, with whom he lives, and his mother has also made 911 calls against him. § 87(2)(b) was transported against his will to the § 87(2)(b), where he underwent a psychiatric evaluation and was released the same day with no medication (**Board Review 04**).

§ 87(2)(b) stated that her son is bipolar and has schizophrenia. On the date of incident, § 87(2)(b) and her son got into an argument around either money or medication and then he left the home. § 87(2)(b) stated that just about every day her son accuses someone, her the neighbors, or others, of hurting him. § 87(2)(b) told the officers that she loves her son but believes he is sick, needs help, and his word should not be taken seriously (**Board Review 17**). As noted in § 87(2)(b)'s medical records, § 87(2)(b) reported to the hospital that her son has a long history of delusional beliefs. On the date of incident, he was agitated and screaming, threw water in her face, and she did not believe that he took his medication consistently for the past week (**Board Review 16**).

PO Joseph's BWC captured § 87(2)(b) inform the officers from 07:45-09:15 § 87(2)(b) § 87(2)(a) At 20:40, § 87(2)(b) stated that he wanted his mother to either be taken to the hospital for mental illness or for her to be arrested (**Board Review 01**).

Sgt. Danisewicz testified that EMS was on scene when he arrived. Sgt. Danisewicz spoke with the officers to find out what was going on. EMS deemed § 87(2)(b) to be an emotionally disturbed person who needed go to the hospital by ambulance. Sgt. Danisewicz spoke to § 87(2)(b) who stated that he did not want to go to the hospital and kept asking whether it was optional. § 87(2)(b) appeared to be in an emotionally fluctuating state, acting calm one moment and erratic the next (**Board Review 08**).

PO Joseph and PO Carillo both testified that they had interacted with § 87(2)(b) in the past and were aware of his mental health issues. While they described him as mostly calm, they felt that he was not making sense § 87(2)(b), § 87(2)(a)

§ 87(2)(b) Additionally, EMS spoke to § 87(2)(b) on scene and made the decision that he needed to go to the hospital (**Board Reviews 05-06**).

Sgt. Danisewicz's BWC footage at 00:45 in the video player, captured that EMS was present as Sgt. Danisewicz and officers from the 109th Precinct engaged § 87(2)(b) in conversation and Sgt. Danisewicz says, "EMS needs you to go with them to the hospital for you to get checked out so that is what is going to happen" (**Board Review 03**).

AIDED 2019-109-003173, confirmed that § 87(2)(b) was transported by ambulance and hospitalized at § 87(2)(b) for being unable to care for himself and not taking his medication (**Board Review 15**).

Medical records from § 87(2)(b) confirmed that § 87(2)(b) was agitated, uncooperative, and calling the staff names. They also confirmed his past medical history of anxiety, bipolar disorder, and schizophrenia. His psychological exam noted that his affect was heightened, his speech was clear but slightly pressured, and that he had psychomotor agitation demonstrating by rapidly tapping his foot, however he was alert, his mood was appropriate, and his perception was normal. Also noted was a paranoia § 87(2)(b), § 87(2)(a) and chronic delusions that his mother is trying to get him hospitalized for no reason. He was cleared to go home within a few hours (**Board Review 16**).

According to NYPD Patrol Guide Procedure 216-01, uniformed members of service shall cooperate with ambulance/hospital personnel in every reasonable manner (**Board Review 10**).

Per NYPD Patrol Guide Procedure 221-13, officers are to safeguard mentally ill or emotionally disturbed persons who do not voluntarily seek medical assistance when they reasonably believe that they are conducting themselves in a manner that is likely to cause serious injury to themselves or others (**Board Review 09**).

§ 87(2)(g)

Allegation (B) Force: Police Officer Sergio Carillo used physical force against § 87(2)(b)

§ 87(2)(b) testified that a 911 operator told him that he would not be arrested or hospitalized. As § 87(2)(b) spoke with the officers on the corner near his residence, PO Carillo stood behind him and spoke in a manner which made § 87(2)(b) feel belittled and pushed him on the back of his left bicep. In response, § 87(2)(b) told PO Carillo that he should not have touched him. § 87(2)(b) stated that the push was not forceful, did not cause him to fall or take any steps back, and he did not sustain any injuries. § 87(2)(b) interpreted the push to mean that he should head towards the ambulance so he told PO Carillo and PO Joseph that he would not resist and walked himself towards the ambulance without making physical gestures (**Board Review 04**).

During PO Carillo's interview PO Joseph's body-worn camera (BWC) was shown (**Board Review 01**). At 38:10 in the video player, PO Carrillo identified himself as the officer center screen. Between 38:06 and 38:10, PO Joseph says to § 87(2)(b) "Let's take a walk to the ambulance." PO Carillo is seen standing behind § 87(2)(b) with handcuffs in his right hand. He pushes § 87(2)(b) in the back and § 87(2)(b) walks toward the ambulance. § 87(2)(b) says, "Don't touch me; I'm going to the ambulance" as he walks in the direction of the ambulance. PO Carillo then says, "hold him, hold him," and PO Joseph grabs § 87(2)(b)'s right bicep and walks with § 87(2)(b) to the ambulance. PO Carillo described the captured

physical contact as a tap that caused § 87(2)(b) to begin to walk towards the ambulance (Board Review 05).

PO Joseph testified that prior to the push EMS told § 87(2)(b) multiple times that he had to go to the hospital and § 87(2)(b) refused. EMS and the officers spoke to § 87(2)(b) for a long time trying to convince him to go voluntarily (**Board Review 06**).

NYPD Patrol Guide Procedure 221-01 permits officers to use force when it is reasonable to ensure their safety or that of a third person, and to gain compliance and prevent escape from custody (**Board Review 07**).

NYPD Patrol Guide Procedure 221-02 states, officers must take action to stabilize the situation and reduce the immediacy of the threat. The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force (**Board Review 07**).

BWC footage was reflective of PO Carillo and PO Josephs' statements § 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Sony Joseph searched § 87(2)(b)

§ 87(2)(b) testified that while in front of the ambulance PO Joseph searched his pants pockets and removed his ID and debit card (**Board Review 04**).

PO Joseph testified that prior to putting § 87(2)(b) in the ambulance, PO Joseph patted down his outer clothing, jacket pocket, and anywhere else where he could conceal a weapon. PO Joseph did not feel anything that he believed could be a weapon. PO Joseph stated the pat down did not lead to any searches; however, he did enter into § 87(2)(b)'s shorts pockets to retrieve an ID card for EMS. PO Joseph put § 87(2)(b) into the ambulance without incident and did not recall if there were any concerns regarding § 87(2)(b)'s behavior while he was in handcuffs **(Board Review 06)**.

Sgt. Danisewicz did not observe PO Joseph enter § 87(2)(b)'s pocket as he was operating the radio during that time (**Board Review 08**).

PO Joseph's BWC captured at 38:58 in the video player, while standing behind the ambulance with a handcuffed § 87(2)(b) PO Joseph immediately reaches his hand into § 87(2)(b) § 87(2)(b)'s right basketball shorts pocket, removes his identification, and passes it to EMS. No clear frisk is captured (**Board Review 01**).

NYPD Patrol Guide 221-13 permits officers, when an EDP has been restrained, to remove property that is dangerous to life or will facilitate escape (**Board Review 09**).

People v De Bour, 40 N.Y.2d 210, an officer must have probable cause to search an individual (**Board Review 18**).

As reflected in BWC footage and acknowledged by PO Joseph, PO Joseph entered [§ 87(2)(b)]'s shorts pocket to remove identification for EMS. § 87(2)(g)

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

- § 87(2)(b) has been party to five CCRB complaint and has been named as a victim in 7 allegations (**Board Review 11**).

- § 87(2)(b)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Sergio Carrillo has been member-of-service for 16 years and has been a subject in four CCRB complaints and five allegations, none of which were substantiated. § [REDACTED]

(g)

- PO Sony Joseph has been a member-of-service for 19 years and this is the first CCRB complaint which he has been a subject.
- Sgt. Jakub Danisewicz has been a member-of-service for 11 years and this is the first CCRB complaint to which he has been subject.

- § 87(2)(b) declined to mediate this complaint.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- As of April 29, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 13**).

Squad No.: 1

Investigator: Inv. Frazier 06/24/21
 Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda _____ 6.29.21
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date